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August 19, 2024

VIA ECF

Hon. Kenneth M. Karas
United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, NY 10601-4150

Re: *In re Application of Bertie Mehigan and Olive Mehigan for an Order to Take
Discovery for Use in Foreign Proceedings Pursuant to 28 U.S.C. § 1782*
7:24-mc-00165-kmk

Dear Judge Karas:

We represent respondents Promontory Financial Group, LLC and International Business Machines Corporation (together, the “Respondents”) in the above-captioned proceeding. We have been advised by Mr. Kenneth R. Puhala, Esq., counsel for petitioners Bertie Mehigan and Olive Mehigan (together, the “Petitioners”), that he received a telephone call from Your Honor’s chambers indicating that in light of the fact that this proceeding was marked “Terminated” on April 5, 2024, a request should be made to the Court to reopen the proceeding.

For context, the Court previously entered an order granting Petitioners’ ex parte application to serve subpoenas on Respondents, but without prejudice to Respondents’ rights to assert objections in relation to said subpoenas (the “Order”). The parties have been engaged in a meet-and-confer process over the subpoenas and have recently stipulated to a briefing schedule governing a forthcoming motion by Respondents to vacate the Order and to quash the subpoenas served on Respondents pursuant to the Order.

We have conferred with Petitioners’ counsel and respectfully request that the Court reopen this proceeding and permit the parties to brief Respondents’ motion in this proceeding according to the stipulated briefing schedule. Petitioners’ counsel consents to this request.

We are available at the Court’s convenience to discuss any questions that the Court may have.

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP

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Respectfully yours,

A handwritten signature in black ink, appearing to read "Michael C. Keats". The signature is fluid and cursive, with a prominent horizontal stroke at the end.

Michael C. Keats

cc: Kenneth R. Puhala, Esq. (via ECF)